



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 11, 2022

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VIA ECF

Hon. Gregory H. Woods  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

**MEMORANDUM ENDORSED**

**Re: *e Tailers ISS, Inc., et al. v. Miller, et al.*, No. 21 Civ. 7397 (GHW)**

Dear Judge Woods:

This Office represents the government in this action in which the plaintiffs seek an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate their Immigrant Petition for Alien Worker (Form I-140), Application to Register Permanent Residence or to Adjust Status (Form I-485), and Application for Employment Authorization (Form I-765). On behalf of the government, I write respectfully to request an on-consent extension of time to respond to the complaint from February 16 to April 18, 2022. I also respectfully request that the initial conference presently scheduled for March 9, 2022, be adjourned to the week of April 25, 2022, or thereafter.

The extension is respectfully requested because USCIS issued a Notice of Intent to Deny (“NOID”) in this case on December 16, 2022. The response time for the NOID is generally thirty days (plus an additional three days when served by mail); however, response deadlines have been extended by sixty days due to the COVID-19 pandemic. The plaintiffs’ counsel has informed me that the response is expected to be sent to USCIS by mid-March. The additional time is thus requested to allow counsel sufficient time to finalize and submit the NOID response and to allow USCIS to process and review it, after which USCIS may in a position to take further adjudicative action that may render this action moot. This is the government’s second request for an extension of the deadline to respond to the complaint and an adjournment of the initial conference. Plaintiffs consent to these requests.


I thank the Court for its consideration of this letter.

The Government’s application for an extension of time to answer or otherwise respond to the complaint and to adjourn the initial pretrial conference, Dkt. No. 28, is granted. The deadline for Government to answer or otherwise respond to the complaint is extended to April 18, 2022. The initial pretrial conference scheduled for March 9, 2021 is adjourned to April 25, 2022 at 4:00 p.m. The joint status letter described in the Court’s September 27, 2021 order is due no later than April 18, 2022.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 30.

SO ORDERED.

Dated: February 11, 2022  
New York, New York

  
GREGORY H. WOODS  
United States District Judge

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

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cc: Counsel of record (via ECF)